

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

RICHARD M. SMITH, DONNA  
SMITH, DOUG SCHRIEBER,  
SUSAN SCHRIEBER, RODNEY A.  
HEISE, THOMAS J. WELSH, JAY  
LAKE, JULIE LAKE, KEITH  
BREHMER, RON BRINKMAN, and  
VILLAGE OF PENDER,  
NEBRASKA,

Plaintiffs,

v.

MITCH PARKER, in his official  
capacity as Chairman of the Omaha  
Tribal Council, BARRY WEBSTER,  
in his official capacity as Vice-  
Chairman of the Omaha Tribal  
Council, AMEN SHERIDAN, in his  
official capacity as Treasurer of the  
Omaha Tribal Council, RODNEY  
MORRIS, in his official capacity as  
Secretary of the Omaha Tribal  
Council, ORVILLE CAYOU, in his  
official capacity as member of the  
Omaha Tribal Council, ELEANOR  
BAXTER, in her official capacity as  
member of the Omaha Tribal Council,  
and ANSLEY GRIFFIN, in his  
official capacity as member of the  
Omaha Tribal Council and as the  
Omaha Tribe's Director of Liquor  
Control,

Defendants.

4:07CV3101

**MEMORANDUM AND ORDER**

This case has been stayed since October 4, 2007, to allow the plaintiffs to exhaust such remedies as they may have in the Omaha Tribal Courts.<sup>1</sup> ([Filing 53](#).) On February 14, 2013, counsel for the parties advised this court that the Omaha Tribal Court has issued an order ruling in favor of Defendants on the parties' cross motions for summary judgment. ([Filing 82](#).) After a telephone conference with counsel, in which they agreed that exhaustion in the Omaha Tribal Court will be complete upon the entry of final judgment in that court,

IT IS ORDERED:

1. The parties shall file a copy of the final judgment issued by the Omaha Tribal Court in this matter on or before March 15, 2013;
2. The parties shall file a statement of stipulated facts on or before May 15, 2013;
3. The parties shall file cross motions for summary judgment and supporting briefs and evidentiary materials on or before June 17, 2013;
4. The parties shall file responsive briefs to the cross motions for summary judgment on or before July 12, 2013;
5. The United States Department of Justice and the Nebraska Attorney General are invited to file amicus curiae briefs (not evidence) on or before July 12, 2013;
6. The parties may file reply briefs on or before July 26, 2013;

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<sup>1</sup>From the parties' most recent filing in this court ([Filing 82](#)), it appears that the caption for this case may have changed. In the absence of a motion to change the caption or substitute parties, I shall retain the original caption.

7. The stay in this matter is lifted;

8. The restraining order previously imposed ([filing 16](#)) and extended ([filing 24](#)) is continued in full force and effect until further order of the court;

9. The Clerk of the United States District Court for the District of Nebraska shall send, electronically (if possible) and by United States Mail, a copy of this order to: (a) the United States Department of Justice, care of Steven Miskinis, USDOJ—Environment & Natural Resources Division, Indian Resources Section, P.O. Box 7415, Ben Franklin Station, Washington, DC 20044 and e-mail [Steven.Miskinis@usdoj.gov](mailto:Steven.Miskinis@usdoj.gov); and (b) the Office of the Nebraska Attorney General, 2115 State Capitol, Lincoln, NE 68509.

DATED this 19<sup>th</sup> day of February, 2013.

BY THE COURT:

*s/ Richard G. Kopf*

Senior United States District Judge